

**Planning Committee:** 14 December 2005

**Item Number:** 05

**Application No:** W 05 / 1665

**Registration Date:** 04/10/05

**Town/Parish Council:** Whitnash

**Expiry Date:** 29/11/05

**Case Officer:** Sarah Laythorpe

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**32 Greville Smith Avenue, Whitnash, Leamington Spa, CV31 2HQ**

Erection of a new detached dormer bungalow with 2 garages FOR Matthew Homes  
(West Mids) Ltd

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This application is being presented to Committee due to the number of objections received.

**SUMMARY OF REPRESENTATIONS**

**Town Council:** raises no objection but comments that the private sewer situation should be investigated before building work is undertaken.

**Neighbours:** 14 letters of objection received as follows:-

11 Greenhill Road - drainage problems, poor design, against current guidelines, intrusion of view and privacy, disruption during construction process.

9 Greenhill Road - loss of trees, increase in traffic, spoil the environment, drainage issue.

30 Greville Smith Avenue - drainage issue as the sewers are privately owned and another property would overload the use of these sewers.

71 Greville Smith Avenue - removal of trees, drainage issue, new dwelling is larger and would look obtrusive in the streetscene, against local policy for new housing, increase in traffic.

13 Greenhill Road - increase in noise and traffic, overcrowding of estate

17 Greenhill Road - against local policy for new housing, drainage issue as the sewers are privately owned - danger of overloading the sewer system, loss of trees and shrubs, increase in volume of traffic.

11 Greville Smith Avenue - drainage issue as may be close to capacity. The developer must negotiate for permission to access the sewer main, proportionate the cost of upkeep and protect the main through the garden of 32 Greville Smith Avenue during building or after construction.

9 Greville Smith Avenue - drainage issue as may be close to capacity. The developer must negotiate for permission to access the sewer main, proportionate the cost of upkeep and protect the main through the garden of 32 Greville Smith Avenue during building or after construction.

3 Greville Smith Avenue - further use of private sewers could prove costly to existing residents of the street.

7 Greville Smith Avenue - further use of private sewers could prove costly to existing residents of the street.

69 Greville Smith Avenue - use of private sewer, loss of open space.

19 Greenhill Road - could create a precedent for the area, increase in traffic, private sewer system, contrary to local plan policy.

2 Greenhill Road - could create a precedent for similar proposals, overloading of private sewer system could result in great cost to residents.

17 Greenhill Road - would create a blot on the landscape, overloading of private sewer system

**Greenhill Road and Greville Smith Avenue Sewer Committee:** private sewer system in danger of being overloaded resulting in excessive cost to residents.

**Ecology:** If demolition of an existing house is planned then we recommend a bat survey is carried out, prior to determination, as a bat roost may be permanently destroyed. There also appears, from aerial photography, to be a number of trees or hedgerow that could be potentially impacted upon through this proposal. These features should be preserved if possible with an adequate buffer zone (2-3 metres) and may need to be assessed if they cannot be retained.

### **RELEVANT POLICIES**

- (DW) ENV3 - Development Principles (Warwick District Local Plan 1995)
- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011 Revised Deposit Version)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011 Revised Deposit Version).

### **PLANNING HISTORY**

W050897 - this site already has an approval for the erection of a detached dwelling with two garages. Due to the proposed location of the dwelling in relation to the private sewer, an amended scheme was submitted for a detached dwelling of similar size and design but positioned in a slightly different location. This was deemed to require a new application. Further amended drawings have since been received, positioning the dwelling in a location which does not affect the private sewer and is a suitable distance from the public highway.

### **KEY ISSUES**

#### **The Site and its Location**

The proposed site is on the corner of Greville Smith Avenue and Greenhill Road and is currently used as a garden to 32 Greville Smith Avenue. As existing the site incorporates a double garage at the end of the rear garden adjacent to Greenhill Road.

#### **Details of the Development**

This scheme proposes a new residential dwelling and two garages which would replace the existing double garage. The proposed dwelling would be located in the

side garden of 32 Greville Smith Avenue and would be specifically positioned 3 metres from the back of the public footpath, 1 metre from the private sewer system and 1.7 metres from the proposed shared boundary with 32 Greville Smith Avenue. The two garages would replace the existing double garage located at the rear of 32 Greville Smith Avenue, entering the highway onto Greenhill Road.

## **Assessment**

It is considered that it would be acceptable to add a residential unit onto the proposed site and the proposed bungalow would be acceptable in terms of size and scale. The front of the proposed bungalow would be onto Greenhill Road, facing existing bungalows which would therefore be in-keeping with surrounding properties and would not appear as an alien and incongruous feature in the streetscene.

The proposed bungalow is approximately the same height and size as No 32 Greville Smith Avenue, although the proposed property makes use of the roofspace. This is an existing feature of some properties in the vicinity of the application site.

The amended scheme sets the bungalow back 3 metres from the public footpath to reduce the impact of a new dwelling in this location which would otherwise have been set hard against the boundary of the site and the footpath and retain an element of landscaping in this prominent corner position which is in-keeping with the layout of the estate.

It is considered that the scheme would create no significant overlooking. There are no high level windows proposed in the elevation adjacent to No 32 Greville Smith Avenue. Due to the location of the proposed property, no other high level window proposed would look directly into any nearby garden and the distance between the proposed and existing properties would mitigate any harm.

The existing double garage at the end of the garden would be replaced with two single garages, one of which would be for No 32 Greville Smith Avenue and the other for the proposed dwelling. As there is an existing double garage Highways were not consulted as there would be no change in terms of vehicles entering or leaving the highway.

With regard to the issue of drainage which is a key issue with Greville Smith Avenue and Greenhill Road, as the sewer is a private system maintained by the residents of the estate, it cannot be considered as a reason for refusal and is an issue to be negotiated between existing residents and the developer if planning permission is granted.

## **RECOMMENDATION**

GRANT subject to the conditions listed below.

## **CONDITIONS**

- 1 The development hereby permitted must be begun not later than the expiration of three years from the date of this permission.  
**REASON** : To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act

2004.

- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawings (9512/PL01 Rev B, 9512/PL02 Rev B, 9512/PL10 Rev B), and specification contained therein, submitted on 29th November, 2005 unless first agreed otherwise in writing by the District Planning Authority.

**REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Local Plan Policy ENV3.

- 3 Samples of all external facing materials to be used for the construction of the development hereby permitted, shall be submitted to and approved by the District Planning Authority before any constructional works are commenced. Development shall be carried out in accordance with the approved details.

**REASON** : To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy ENV3 of the Warwick District Local Plan.

- 4 A landscaping scheme for the whole of those parts of the site not to be covered by buildings shall be submitted to and approved by the District Planning Authority before the development hereby permitted is commenced. Such approved scheme shall be completed, in all respects, not later than the first planting season following the completion of the development hereby permitted, and any trees removed, dying, being severely damaged or becoming seriously diseased within five years of planting, shall be replaced by trees of similar size and species to those originally required to be planted.

**REASON** : To protect and enhance the amenities of the area, and to satisfy the requirements of Policy ENV3 of the Warwick District Local Plan.

- 5 The proposed 1.8 metre fence between the proposed development and No 32 Greville Smith Avenue as shown on drawing 9512/PL01 shall be erected prior to the first occupation of the new dwelling proposed.

**REASON**: In the interests of the amenities of future occupiers of the building.

### **INFORMATIVES**

For the purposes of Article 22 of the Town and Country Planning (General Development Procedure) (England) (Amendment) Order 2003, the following reason(s) for the Council's decision are summarised below:

In the opinion of the District Planning Authority, the development respects surrounding buildings in terms of scale, height, form and massing and does not adversely affect the amenity of nearby residents. The proposal is therefore considered to comply with the policies listed.

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